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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/747,964	12/30/2003	Timothy J. Wilson	CE088931 (79058)	9004

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EXAMINER

CHO, UN C

ART UNIT PAPER NUMBER

2617

DATE MAILED: 12/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/747,964	Applicant(s) WILSON ET AL.	
	Examiner Un C. Cho	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 2, 10, 16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-9, 11-15 and 17-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/16/2006 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3 – 9, 11 – 15 and 17 – 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gorday et al. (US 6,665,521 B1) in view of Raith (US 6,385,461 B1).

Regarding claim 1, Gorday discloses a method for facilitating communications amongst a plurality of mobile units (Fig. 1, 20) in a network (Fig. 1, 10), comprising: establishing a plurality of underlay communication cells (Fig. 2, 200); positioning at least two of the plurality of mobile units (Fig. 2, 30 and 40) in at least one of the plurality of underlay communication cells such that one of

the at least two of the plurality of mobile units being in one of the plurality of underlay communication cells (Fig. 2, 230) and that another of the at least two of the plurality of mobile units (Fig. 2, 36 and 38) being in another of the plurality of underlay communication cells (Fig. 2, 234) (Gorday: Col. 2, lines 40 – 50); establishing an overlay communication cell (Fig. 1, 10), the overlay communication cell covering the same area as at least the underlay cells that comprise the at least two of the plurality of mobile units (Gorday: Col. 2, lines 4 – 20); establishing an association between underlay cells that comprise the at least two mobile units and the overlay communication cell (Gorday: Col. 2, line 53 through Col. 3, line 28); and establishing a group communication call between the at least two mobile units using the overlay cell (Gorday: Col. 3, line 51 through Col. 4, line 65 and Col. 2, lines 4 – 20).

However, Gorday as applied above does not specifically disclose establishing a group communication call in which at least one of the plurality of mobile units communicates with at least another of the plurality of mobile units using the overlay cell wherein the establishing the group call includes listening for a page to set up the group call. In an analogous art, Raith remedies the deficiencies of Gorday by disclosing such limitation in Col. 10, line 60 through Col. 11, line 6 and Col. 4, line 49 through Col. 5, line 27 and Figs. 1 and 3. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the technique of Raith to the system of Gorday in order to provide efficient techniques and systems for providing an

indication of which user groups currently have established group calls in radio communication systems to avoid the problem wherein an uninformed user loses an opportunity to access an ongoing user group call, moreover, it would further be desirable to provide group users and group managers with additional information related to group calls to enhance this valuable service.

Regarding claim 3, Gorday in view of Raith as applied above discloses that the at least two mobile units determining whether to return the page to the overlay cell and when to return the page to the underlay cell (Gorday: Col. 5, lines 34 – 44).

Regarding claim 4, Gorday in view of Raith as applied above discloses that the at least two mobile units returning the page only to the overlay cell (Gorday: Col. 5, lines 44 – 46).

Regarding claim 5, Gorday in view of Raith as applied above discloses that the at least two mobile units returning the page only to the underlay cell (Gorday: Col. 5, lines 25 – 50).

Regarding claim 6, Gorday in view of Raith as applied above discloses that the at least two mobile units not returning the page (Gorday: Col. 5, lines 31 – 34).

Regarding claim 7, Gorday in view of Raith as applied above discloses activating an overlay in the absence of receiving a page (Gorday: Col. 5, lines 25 – 34).

Regarding claim 8, Gorday in view of Raith as applied above discloses storing information at underlay cells identifying a control channel at the overlay cell (Gorday: Col. 2, line 53 through Col. 3, line 28).

Regarding claims 9, 15 and 20, the claims are interpreted and rejected for the same reason as set forth in claim 1.

Regarding claims 11 and 17, the claims are interpreted and rejected for the same reason as set forth in claim 3.

Regarding claim 12, the claim is interpreted and rejected for the same reason as set forth in claim 5.

Regarding claim 13, the claim is interpreted and rejected for the same reason as set forth in claim 6.

Regarding claims 14 and 19, the claims are interpreted and rejected for the same reason as set forth in claim 8.

Regarding claim 18, the claim is interpreted and rejected for the same reason as set forth in claim 4.

Response to Arguments

4. Applicant's arguments with respect to claims 1, 3 – 9, 11 – 15 and 17 – 20 have been considered but are moot in view of the new ground(s) of rejection.

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Un C. Cho whose telephone number is (571) 272-7919. The examiner can normally be reached on M ~ F 8:00AM to 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Un C Cho
Examiner
Art Unit 2617

12/8/06


GEORGE ENG
SUPERVISORY PATENT EXAMINER